

IN THE UNITED STATES DISTRICT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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THOMAS H. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

HERBERT BRENT,

Plaintiff,

Vs.

Case No.: 14-2600

HYUNDAI CAPITAL AMERICA;  
HYUNDAI MOTOR COMPANY, INC., dba,  
THORNTON ROAD HYUNDAI;  
SAMANTHA BRENT; KEN FLANNAGAN,  
Thornton Road Hyundai Salesman; JOHN  
DOE, Thornton Road Hyundai Notary;  
JOHN DOE 2, Thornton Road Finance Manager;  
GEICO INSURANCE and JOHN DOE 3, GEICO  
Insurance Agent.,

Defendants.

**AMENDED CIVIL RICO COMPLAINT**

Comes Now, Herbert Brent, the above named Plaintiff and amend his Complaint,  
*as a matter of course*, for reasons stated below:

**JURISDICTION**

1. Jurisdiction is pursuant to The Racketeer influenced and Corrupt Organization (RICO) Act, or Title 18 U.S.C. §§1961-1968 *as amended*. The Western District Federal Court of Tennessee has jurisdiction in this matter pursuant to:

- 1) 18 USC §1964(a)
- 2) 18 USC §1331
- 3) 18 USC §1339

Jurisdiction is bestowed upon 18 U.S.C. §§ 1341 and 1343, both dealing with mail and wire fraud. Plaintiff also interjects Insurance Fraud as a purpose jurisdiction. Jurisdiction

is based on Federal and State Consumer Protection laws, Fair and Accurate Credit Transactions Act of 2003 and the Fair Credit Reporting Act. Pendent claims of Defamation, Intentional Infliction of Emotional Distress and Credit Defamation are claimed *infra*.

### **VENUE**

2. The Western District Court of Tennessee is the appropriate court holding venue in this matter pursuant to 28 USC §1391 and that the dispute *infra* is not entirely related to the alleged initial contract that allegedly resulted in identity theft.

### **PARTIES**

1. Plaintiff amends his complaint to dismiss Hyundai Motor America as a party to this above captioned case and enjoin Hyundai Capital America as a Defendant hereto.
2. Hyundai Capital America<sup>1</sup>, hereinafter referred to as Defendant HCA, who is a foreign corporation to the State of Texas but has a headquarter located at 10550 Talbert Avenue Box 20850 Fountain Valley, California 92728 and has a Registered Agent of National Registered Agent 1999 Bryan Street, Suite 900 Dallas, Texas 75201.

### **ACTS COMPLAINED OF**

This is a matter which devolves upon the illegal acts of conspiracy and interference by Defendants, in legitimate interstate commerce through its genuine pattern of racketeering activities. Under Defendants' continuing deceit, conspiracy, fraud, abuse

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<sup>1</sup> Hyundai Capital America is formerly Hyundai Motor Finance. They had a name change, which was filed with the Texas Secretary of State on May 26, 2009.

of process, abuse of positions and such malicious persecution, Plaintiff wither and has been left no choice but to seek justice within Federal Jurisdiction, on grounds of Defendants' racketeering activities. Plaintiff was forced into this public interest action by the continued malicious, prohibited acts of Defendants, which are as follows:

3. Defendant0 HCA was the finance company who finance knowingly, intentionally and negligently falsely and illegally a vehicle in the name of Plaintiff, thus causing him harm.
4. The acts of Defendant HCA were outrageous, gross misconduct, negligent, intentional and flagrantly abusive in all areas.
5. Plaintiff alleges that the Defendant HCA negligently and intentionally conspired together with other Defendants to commit fraud against him.
6. Plaintiffs alleges that Defendant HCA and all Defendants are intentionally working in collusion and conspired with each other having *mens rea* in violating Plaintiffs guaranteed statutory rights by deception and fraud.
7. Due to the fact that the Defendants collectively acted illegally together, therefore creating an illegal enterprise, in committing fraud and deception, wherein they where engaged in racketeering, such acts damaged Plaintiff's credit rating at the time he was attempting to obtain a government contract, wherein he was refused such contract due to Defendant's fraudulent acts. Plaintiff's contract would have netted him a total of 4.1 million dollars to date.
8. All other acts alleged against all Defendant collectively in the original complaint are alleged against Defendant HCA.
9. Where Plaintiff Alleged acts against former Defendant HMA are hereby alleged

against Defendant HCA and Defendant HCA should answer each allegation against it as if it was originally setout against them in the original complaint.

10. Plaintiff alleges that the Defendants, including Defendant HCA, in their conspiring acts of fraud and deception, which created an enterprise of racketeering activity violated his protection guaranteed to him under the Consumer Protection Act and all other applicable Consumer Protection Laws.
11. Fair and Accurate Credit Transactions Act of 2003, wherein it is an amendment to the Fair Credit Reporting Act was violated when applied to the malicious and criminal acts of Defendants, including Defendant HCA, against Plaintiff.
12. Plaintiff alleges that the Defendants, including Defendant HCA, while engaged in pattern of racketeering, defamed Plaintiff's personal, professional and credit character thus committing fraudulent defamation of character, wherein it caused Plaintiff to suffer extreme depression to the point where he sought professional mental heath personnel to deal with the trauma that they caused in his life.
13. Plaintiff alleges herein that the Defendants, including Defendant HCA, while engaged in pattern of racketeering, acted with extreme malice and indifference to the statutory, human and common law rights of Plaintiff.
14. Plaintiff alleges herein that the Defendants, including Defendant HCA, while engaged in pattern of racketeering, acted outrageously (tort of outrage), thus causing Plaintiff emotional distress, mental anguish and hostility within his personal life.

#### **PRAYER FOR RELIEF**

Wherefore premises considered, Plaintiffs pray that the each Defendant be ordered

by this court to provide Plaintiff's with the following relief:

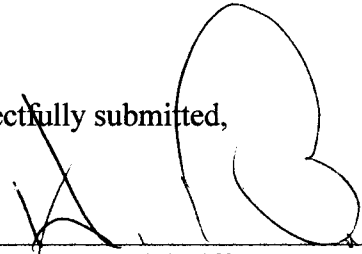
A) that proper process be issued and served upon Defendants by the United States Marshal;

B) that Defendants be ordered to pay to Plaintiff treble actual damages in the collectively totaling \$12,300,000.00;

C) that Plaintiff be awarded punitive damages in the amount of at least \$36,900,000.00 from each Defendant being that their actions were grossly outrageous with the intent and purpose to commit civilly and criminally illegal fraudulent acts for personal gain while violating consumer trust in the American industry of commerce,; and

D) that Plaintiffs are awarded all other relief deemed just and necessary.

Respectfully submitted,



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Herbert Brent , Plaintiff  
1649 Shadowlawn Boulevard  
Memphis, Tennessee 38106-5417  
(619) 318-2434  
(901) 726-9871

#### **CERTIFICATE OF SERVICE**

This Amended Complaint is being served on all proper Defendants with service of process and is hereby considered served on the date service is perfected on each Defendant.



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Herbert Brent , Plaintiff